

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 22-mj-02754-AOR

UNITED STATES OF AMERICA

v.

KA YEUNG MARVIN CHAN,

Defendant. /

**CRIMINAL COVER SHEET**

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? \_\_\_ Yes X No
2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? Yes X No

Respectfully submitted,

JUAN ANTONIO GONZALEZ  
UNITED STATES ATTORNEY

BY:



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AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America  
v.  
KA YEUNG MARVIN CHAN

Case No. 1:22-mj-02754-AOR

\_\_\_\_\_  
*Defendant(s)*

## CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 2018 through August 2021 in the county of Miami-Dade in the  
Southern District of Florida, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 371	Conspiracy
18 U.S.C. § 554	Smuggling Goods from the United States
18 U.S.C. § 1001	False Statements to USFWS
16 U.S.C. § 3372(a)(1)	Illegally Trafficking Wildlife
18 U.S.C. § 2	aiding and abetting

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Complainant's signature

Special Agent Brian Cazalot Sr, USFWS

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed.R.Crim.P. 4.1 by Face Time.

Date: 5/3/22

Judge's signature

City and state: Miami, FloridaALICIA M. OTAZO-REYES, U.S. MAGISTRATE JUDGE

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Brian Cazalot Sr., being duly sworn, do hereby depose and state:

1. I am a Special Agent with the U.S. Fish and Wildlife Service (USFWS), Office of Law Enforcement (OLE) and have been since September 2019. I am presently assigned to the USFWS Lacombe, Louisiana field station. I have attended and graduated from USFWS's Special Agent Basic Course located at the Federal Law Enforcement Training Center located in Glynco, Georgia, the United States Postal Inspection Service (USPIS) Criminal Investigator Training program located in Potomac, Maryland, and the Florida State Police Academy located in Havana, Florida. As a Special Agent with the USFWS, I have conducted and participated in investigations of violations of wildlife laws and have undergone training in the identification and investigation of wildlife crimes, including investigations of the illegal domestic and international trade of wildlife and plants. Prior to being employed with the USFWS, I was employed with the USPIS as a Postal Inspector, assigned to the New Orleans field office for approximately eight years. As a Postal Inspector, I investigated criminal violations involving the use of the United States Mail. Prior to becoming a Postal Inspector, I was a State Police Officer (Game Warden) in Florida for 6 years and was also previously employed with U.S. Customs and Border Protection for 4 years. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

2. I am familiar, based on my training and experience, with the laws and regulations primarily enforced by the USFWS, such as the Lacey Act, Title 16, United States Code, Sections 3371, *et seq.*; the Endangered Species Act, Title 16, United States Code, Sections 1531, *et seq.*

false statements, Title 18 United States Code, Section 1001; and the regulations requiring the declaration of exported wildlife to federal authorities. I am also familiar with additional laws and regulations that may be applied in cases involving illegal trade in wildlife and plants, including the prohibitions against smuggling, 18 United States Code, Section 554; as well as conspiracy to commit said crimes, Title 18, United States Code, Section 371. As a result of my training and experience, as well as the corporate knowledge and experience of other agents across the United States, I am familiar with the methods commonly used by wildlife dealers and traders to collect and sell wildlife and plants in interstate and foreign commerce.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This Affidavit is made in support of a Criminal Complaint against KA YEUNG MARVIN CHAN for violations of The Lacey Act, Title 16, United States Code, and Section 3372, *et seq.*<sup>1</sup>; Title 18, United States Code, Section 1001 (false statements and the regulations requiring the declaration of exported wildlife to federal authorities); Title 18, United States Code, Section 554 (smuggling goods from the United States); and Title 18, United States Code, Section 371 (conspiracy to violate the laws of the United States).

#### **EVIDENCE ESTABLISHING PROBABLE CAUSE**

4. KA YEUNG MARVIN CHAN ("CHAN") is an international reptile dealer associated with FISHMANSHOP d/b/a ZORIS LIMITED, located at 13/F Silver Commercial Building, 719 Nathan Road, MongKok Hong Kong. ZORIS LIMITED is also associated with

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<sup>1</sup> The Lacey Act makes it unlawful for any person to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any fish or wildlife taken, possessed, transported, or sold in violation of any law or regulation of any State or foreign law. 16 U.S.C. § 3372(a)(2)(A). The Lacey Act also makes it unlawful for any person to make or submit any false record, account, or label for, or any false identification of, any fish, wildlife, or plant which has been, or is intended to be, imported, exported, transported, sold, purchased, or received from any foreign country; or transported in interstate or foreign commerce. 16 U.S.C. § 3372(d)(1).



Chun Ku d/b/a Dynasty Reptiles, in that Ku is listed as the import/export license holder for both Dynasty Reptiles and ZORIS LIMITED in numerous exports dating back to 2013, according to USFWS databases. Your affiant knows that Ku is a conduit for international reptile dealers to smuggle CITES and non-CITES reptiles out of the United States, from a related investigation of other international reptile dealers, including Daisuke Miyauchi d/b/a Maniac Reptiles, in Yokohama, Japan, who used Ku to smuggle protected reptiles out of the United States. *United States v. Miyauchi*, No. 1:21-cr-20513-CMA. Furthermore, your affiant knows that CHAN and Miyauchi both used Ku to export reptiles from the United States.

5. Your affiant confirmed through USFWS databases and a search for export permits that CHAN has a history of exporting various species of snake, turtles, and geckos from the United States to Hong Kong.

6. Dynasty Reptiles is owned and operated by Ku, and is located at 8656 SW 158 Place, Miami, Florida, 33193. Ku currently holds “Master File” Convention on International Trade in Endangered Species<sup>2</sup> (CITES) permit No. 203001 (Master File). Ku has been a CITES Master File holder since 2008. Prior to issuance of the Master File, Ku was required to submit to the USFWS photographs of his facility, documentation as to where his parental stock came from, estimated production of specimens, export of specimens, and normal mortality rates for the facility, documents your affiant has reviewed. Pursuant to the Master File, Ku is allowed to breed certain reptiles from his certified parental stock (bred in captivity) for sale and export.

7. On July 13, 2020, Ku’s Master File was renewed, allowing him to export specific captive bred species reared from his facility in Miami, Florida. The renewal letter

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<sup>2</sup> The United States and approximately 183 other countries are parties to CITES, which provides a mechanism of controls to ensure that international trade in species of wild animals and plants does not threaten their survival. Under CITES species in need of protection from over-exploitation are listed on appendices, based on the level of protection required. CITES Appendix II species must be declared to the USFWS before shipment to other countries.

specifically states Ku's facility, under CITES, may export bred-in-captivity specimens of ball python (*Python regius*), boa constrictor (*Boa constrictor imperator*), Sumatra short-tailed python (*Python curtus*), common iguana (*Iguana iguana*), argentine tegu (*Salvator rufescens*), and common tegu (*Salvator merianae*) hatchlings produced at the facility identified in the permit application for the purpose of commercial trade. Furthermore, the letter states Ku is the only one authorized to export under the Master File and the permits issued under the Master File may not be given to, used by, or shared with anyone else.

8. From the related investigation of Miyauchi, your affiant knows that Ku allowed foreign buyers to smuggle species out of the country through the use of his Master File. As with Miyauchi, Ku allowed CHAN to purchase CITES-protected animals from other vendors in the United States and have the animals shipped to Ku's facility in Miami. Ku would then consolidate, pack, and falsify paperwork provided to USFWS to make it appear the animals came from Ku's facility.

9. As discussed below, there exists probable cause to believe that CHAN conspired with Ku to launder/smuggle animals through Ku's Master File.

10. On October 30, 2020, Chun Ku d/b/a Dynasty Reptiles, filed for export, with the USFWS in Miami, a shipment of CITES and non-CITES reptiles staged for export to Hong Kong by way of China Airlines. The accompanying declaration for exportation of wildlife (USFWS Form 3-177) listed Dynasty Reptiles as the U.S. exporter and ZORIS LIMITED Mongkok Kowloon, Hong Kong, as the foreign importer. The declaration, along with additional export paperwork, including CITES permits (Form 3-201A) listing the CITES Appendix II animals, and a bill of sale, were filed electronically through Ryan Conyers C.H.B/C&R Customs Broker, 2385 NW 70<sup>th</sup> Avenue, Unit A-13, Miami, FL 33122. By signing the Form 3-177, Chun Ku certified

that the information furnished was true and correct pursuant to 18 U.S.C. § 1001 and 16 U.S.C. § 3372(d).

11. The CITES Appendix II animals declared in the shipment, and submitted to the USFWS, included five ball pythons (*Python regius*), ten common tegus (*Salvator merianae*) and five Argentine tegus (*Salvator rufescens*). The accompanying Form 3-177 identified the animals as bred in captivity from parents that mated in captivity. Ku also submitted the CITES Permit to the USFWS, for the above listed animals, by way of the Customs Broker. By submission of this form, Ku certified that all reptiles covered by the permit were bred and hatched from parental stock maintained at his facility. 50 C.F.R. § 23.26. Additional non-CITES animals were included in the shipment for export. The invoice attached by Dynasty Reptiles listed the “sold to” party as “Zoris Limited, 13/F Silver Commercial Building, 719 Nathan Road, Mongkok Kowloon, Hong Kong, phone: +852-9754-7101,” with a sale price of \$10,217.50. The ensuing investigation confirmed that the Form 3-177, CITES Permits, and the invoice were false.

12. On Monday, March 22, 2021, your affiant secured search warrant 21-MJ-02530-McAliley, authorizing the search of Chun Ku d/b/a Dynasty Reptiles’ business email account: [dynastyreptiles@bellsouth.net](mailto:dynastyreptiles@bellsouth.net).

13. Review of the [dynastyreptiles@bellsouth.net](mailto:dynastyreptiles@bellsouth.net) email data revealed communications between Ku and CHAN, in the days leading up to the October 30, 2020, export to CHAN by Ku, demonstrating that the fifteen Tegus exported did not come from Ku’s parental stock.

14. The email communications between CHAN’s email account and Ku’s email account reflected that CHAN was having reptiles sent and staged with Ku in Miami prior to the October 30, 2020, export. Those reptiles did not come from Ku’s parental stock.



15. On October 10, 2020, CHAN sent Ku an email, message titled “RES turtle export,” asking Ku to apply 120 turtles to the “lab report,” and stating the turtles would be sent to Ku on October 20<sup>th</sup>. Your affiant believes CHAN was asking Ku to have a health certificate applied/approved for the turtles, as required by the country of import, Hong Kong, China. Through training and experience your affiant knows that “RES,” refers to Red Eared Sliders (*Chrysemys scripta elegans*), which are a species of turtle common in the pet trade. Though Red Eared Sliders are not CITES protected, the correspondence demonstrates the coordination between CHAN and Ku in the days leading up to the export.

16. On October 24, 2020, Ku received an email from Clive Longden (jjjlongden@gmail.com), titled “Shipment Early Next Week.” Your affiant knows Clive Longden to be a Red Eared Slider supplier in Florida. In the email Longden wrote that at the direction of “Marvin,” he (Longden) was to send Ku twenty “RES” arriving Tuesday morning. Based on review of the 2020 calendar, Tuesday would have been October 27, 2020. Longden also asked Ku if he was to mail the turtles to Ku’s Miami address.

17. On October 25, 2020, CHAN (who was copied on the email) replied to Longden’s email and provided Longden the shipping information, telling Longden the ship out date to Ku was October 26, 2020, arriving in Miami October 27, 2020. CHAN then provided Longden an address to ship to: “Chun Ku-Zoris 14101 SW 119<sup>th</sup> Ave., Miami, FL 33186; Phone 305-926-9750.” A search of the address CHAN provided Longden indicated it was a FedEx hub, not Ku’s warehouse/facility, however the phone number is registered to Ku.

18. On the same date, Longden responded to CHAN, copying Ku. Longden wrote that he would ship out “your turtles” on Monday (October 26, 2020) and provided both CHAN and Ku the UPS tracking number. CHAN replied to both Longden and Ku, directing Longden to



ship the turtles via FedEx to the FedEx hub address previously noted. Longden responded to CHAN, copying Ku, and stated he did not have a FedEx account and that he had shipped to Ku many times via UPS to Ku's address with no problems. Longden told CHAN he would call Ku to get his approval.

19. Later on October 25, 2020, Longden emailed CHAN, cc'ing Ku. Longden sent a photograph of the UPS shipping label indicating a parcel had been shipped, addressed to Chun Ku, at his Miami warehouse address on SW 123<sup>rd</sup> Avenue, from, "Clive J. Longden 8503850684, 3201 Ridgeland Ct., Tallahassee, Florida 32312."

20. On the same day, CHAN sent an email to Ku titled "Shipment Supplier List with Qty." Your affiant believes CHAN was providing Ku with a list of the reptiles he intended to export, as the numbers were similar to the numbers in the October 30, 2020, export from Ku to CHAN. The list, as shown below, contained the scientific names of each species, the quantity of reptiles per species, and the source of the reptiles. See below, emphasis added.

Chun Ku	<i>python regius</i>	20
	<i>tiliqua scincoides</i>	1
Scott	<i>tiliqua scincoides</i>	15
<b><u>Laura Robert</u></b>	<b><u><i>Salvator rufescens</i> (Anery)</u></b>	<b><u>5</u></b>
Clive	<i>Chrysemys scripta elegans</i> (Albino)	6
	<i>Chrysemys scripta elegans</i> (Caramel)	10
	<i>Chrysemys scripta elegans</i> (Snow)	4
Marie Wright Hibl	<i>Rhacodactylus leachianus</i>	8
Up North Geckos	<i>Rhacodactylus leachianus</i>	5
David Levinson	<i>tiliqua scincoides</i>	11
Kevin Rhodes	<i>Ambystoma tigrinum tigrinum</i>	140
Brent Bumgardner	<i>Heterodon nasicus</i>	23

Phillip	<i>Chrysemys scripta elegans</i> (Albino RES)	37
Two Amigo	<i>Anolis carolinensis</i>	500
	<i>Ambystoma opacum</i>	150
	<i>Basiliscus plumifrons</i>	150
	<i>Sceloporus malachiticus</i>	100
PDV	<i>Rhacodactylus auriculatus</i>	12
<b>Jason Hood</b>	<b><i>Salvator merianae</i></b>	<b>10</b>
Stephen Boa	<i>tiliqua scincoides</i>	17
JMG reptile	<i>Heterodon nasicus</i>	9
Andrew Sparks	<i>Heterodon nasicus</i>	1
Kevin Fisher	<i>Heterodon platirhinos</i>	16

21. Upon reviewing the list, your affiant keyed in on two species, the Argentine tegus (*Salvator rufescens*) and the common tegus (*Salvator merianae*) which are both listed as CITES Appendix II species. CHAN lists a total of fifteen tegus, five Argentine tegus from Laura Robert, and ten common tegus from Jason Hood. This coincides with the number of tegus exported to CHAN (ZORIS LIMITED), from Ku under Ku's Master File on October 30, 2020.

22. Your affiant knows Laura Robert (Roberts) and Jason Hood to be tegu breeders, located in Florida, who do not possess export or CITES permits.

23. Also, as noted, Ku is the only one authorized to export under his Master File, and only bred-in-captivity specimens produced at his facility. Accordingly, Ku's Master Permit could not be used to export tegus received from other sources. Since the fifteen tegus claimed under Ku's Master File on the October 30, 2020, export to ZORIS LIMITED (CHAN) did not come from Ku's facility, they were smuggled from the United States under fraudulent paperwork, including the Form 3-177, the CITES Permits, and the invoice.

24. On August 19, 2021, your affiant, obtained search warrants for Chun Ku's business location, Dynasty Reptiles, located on SW 123rd Avenue in Miami and a second search warrant for Ku's person as well as his cellular device, assigned call number (305) 926-9750, in connection with the ongoing investigation involving the conspiracy to smuggle species protected under CITES by Daisuke Miyauchi, Chun Ku, and others.

25. Ku was interviewed after the execution of the search warrants and admitted the following: Ku stated he understood that it was wrong for him to allow Miyauchi to use his CITES permits to export animals that did not come from his facility, and that Miyauchi was complicit as well. Ku said he and Miyauchi had conversations in the past regarding the use of his CITES permits. Ku told agents he only packed animals he sold to Miyauchi, that he didn't know what was in the boxes Miyauchi packed, or what animals he had previously purchased. Ku said he told Miyauchi just make sure everything is correct on the paperwork Miyauchi sent him. Ku said there was one other person that used to come in, like Miyauchi, to purchase animals and then export them, but had since stopped. Ku identified this person as Marvin CHAN. Ku stated CHAN and Miyauchi were his two biggest export customers. Ku did not provide any additional information regarding CHAN during the interview, only to say he was still engaged in exporting animals to CHAN.

26. On October 21, 2021, your affiant interviewed Miyauchi, during the course of which he provided the following information related to Chan: Miyauchi told agents he met CHAN in 2016 at a Chicago Reptile Show and identified CHAN as another international reptile buyer/dealer based out of Hong Kong. Miyauchi said that during their initial encounter the two realized they both utilized Ku to export animals purchased in the United States back to their respective countries. Miyauchi went on to say that CHAN and Ku had a

business relationship before Miyauchi met CHAN, and prior to Miyauchi using Ku to export animals for him. Miyauchi further stated that since they both used Ku for export, Miyauchi and CHAN grouped the animals they purchased in Chicago, to ship to Ku in Florida. Miyauchi said CHAN left his animals at a vendor table at the Chicago Reptile Show, and once Miyauchi picked them up, he met up with an individual named Bill McCord to send the animals to Florida. Miyauchi stated he did not know what animals were in CHAN's boxes. Miyauchi said McCord drove the animals to Florida, and Miyauchi met back up with McCord to take back possession of the animals on Monday night following the weekend show. Miyauchi stated he dropped off all the animals to Ku the next day, Tuesday. Miyauchi said that during the time he and CHAN spent together at the 2016 Chicago Reptile Show, they had discussed how they were both using Ku for his CITES permits, and that they both knew that it was illegal to do so.

27. As noted, a search warrant was obtained and executed on Ku's cellular device on August 27, 2021. Your affiant discovered communications between CHAN and Ku via WhatsApp, verifying Ku was engaged in the same smuggling scheme with CHAN, as he employed with Miyauchi. WhatsApp is a free messaging phone application that allows individuals to securely send messages, texts, photographs, as well as place phone calls.

28. The communication history between Ku and CHAN dated back to October 2013. Throughout that history, CHAN and Ku seemed to work in concert, with Ku allowing CHAN access to his CITES Master File in order to make it appear that the animals involved in the exports came from Ku's facility, when in fact they had not. Moreover, Ku appears more involved in the smuggling scheme with CHAN than he was with Miyauchi. Because CHAN no longer comes to the United States to handle and prepare his own exports, CHAN has Ku take



receipt of CITES animals by sending his purchased animals to Ku's business location or the Miami FedEx facility. Ku would then retrieve the parcels, bringing them back to his facility and facilitating the export process for CHAN, to include the packing.

29. By way of example, in a WhatsApp text dated August 18, 2018, CHAN messaged Ku the following:

\*\*\*Ship out date to change to CHUN KU on August 21 and arrive Miami August 22\*\*\*

Chun Ku-Zoris  
13150 SW 123<sup>rd</sup> Ave #3  
Miami, FL 33186  
Phone +1 305 926 9750

Any boxes that are not labeled with the quantity, common name and scientific name on the outside of the box would not be accepted and be return to sender. The sender will be fully responsible for this matter.  
All shipment need to ship to CHUN KU on August 21 and arrive Miami on August 22\*\*\*\*\*

30. CHAN then messaged Ku, asking whether the above message was ok, and whether the suppliers could ship FedEx or UPS. Ku replied telling CHAN everything was ok, and to send him the list. Your affiant believes that CHAN was asking for Ku's approval, as this was the blanket message CHAN would send out to all his reptile suppliers, who in turn would ship his purchases to Ku for export. CHAN provided Ku a photograph of a computer screen which listed the following:

Philip Tremper	6pcs egernia stokes
Paul Vander Schouw	Albino sidenecks 3pcs
David Levinson	2.0 scale-less ball; 10 corn
Snake at Sunset	Snow RED 2pcs
Leapin Leachies	Daytona; 13pcs gargoyles 5000
Dan Sutherland	2 Ball python
Clive	a lot of turtle
Jesse	Tegu 4, Albino king snake, king snake
Hector	Red Tegu 10, Blue Tegu 14, Albino blue Tegu 10
Pangea	200 Crested gecko

31. The list, which CHAN sent Ku via WhatsApp, lists both CITES and non-CITES animals CHAN intended to ship to Ku, as well as the source of the animals. Notably, the twenty-eight Argentine tegus (*Salvator rufescens*) and common tegus (*Salvator merianae*) listed are not from Ku's parental stock of tegus.

32. On August 23, 2018, Ku entered an outbound shipment, through the Port of Miami, Florida, of CITES and non-CITES reptiles staged for export to Hong Kong by way of China Airlines. The declaration Form 3-177 listed Dynasty Reptiles as the U.S. exporter and ZORIS LIMITED, Hong Kong, as the foreign importer. The Form 3-177, the CITES Permits, and a bill of sale were filed electronically through Ryan Conyers C.H.B/C&R Customs Broker. In doing so, Ku d/b/a Dynasty Reptiles, certified that the information furnished was true and correct pursuant to 18 U.S.C. § 1001 and 16 U.S.C. § 3372(d).

33. The CITES Appendix II animals declared in the August 2018 shipment and submitted to the USFWS, included eighty-two ball pythons (*Python regius*), twenty Argentine tegus (*Salvator rufescens*), and twenty common tegus (*Salvator merianae*). Ku's accompanying CITES Permit certified that all reptiles covered by the permit were bred and hatched from parental stock maintained at his facility. 50 C.F.R. § 23.26. Based on the WhatsApp communications between CHAN and Ku, set forth supra, your affiant believes thirty-eight of the forty tegus, and two of the eighty-two ball pythons did not come from Ku's parental stock and were smuggled from the United States to Hong Kong.

34. A more recent example of the smuggling scheme occurred on August 5, 2021, when through WhatsApp communications, CHAN messaged Ku, "What time do I need to give final number for tomorrow." Your affiant believes CHAN was referring to the total number of animals he intended to export through Ku to Hong Kong. Ku responded to CHAN telling him,

“Earlier the better. I am waiting for Ryan to tell me what option we have.” Your affiant believes Ku is referring to Ryan Conyers the Customs Broker, and the “option” is referring to what flights were available for export. CHAN then messaged Ku a list of the animals he intended to export and listed the names of the suppliers:

Snake at Sunset	Emerald swifts	Emerald swifts	80
	Giant blue Ameiva	Ameiva ameiva	15
	Central American banded	Coleonyx mitratus	10
James Jenn	Tilliqua scincoides	Tilliqua scincoides	20
Alvia Werner	Anolis carolinensis	Anolis carolinensis	100
	Basiliscus vittatus	Basiliscus vittatus	50
	Ameiva ameiva	Ameiva ameiva	50
	Cnemidophorus lemniscatus	Cnemidophorus lemniscatus	50
	Thamnophis saurita	Thamnophis saurita	10
Marie	Rhacodactylus leachianus	Rhacodactylus leachianus	7
	Rhacodactylus leachianus	Rhacodactylus leachianus	2
Kevin	Tiger Salamander	AMBYSTOMA TIGRINUM	200
	Albino Tiger Salamander		1
Scott	Tilliqua scincoides	Tilliqua scincoides	20
Boris	Rhacodactylus leachianus	Rhacodactylus leachianus	10
Jason Hood	Blue Tegu	Salvator merianae	40
	Albino Tegu	Salvator rufescens	2

35. The above list indicates forty-two argentine tegus (*Salvator rufescens*) and common tegus (*Salvator merianae*), a CITES II listed species, coming from Jason Hood, whom your affiant knows to be the owner of Snakes Unlimited, located in Palm Bay, Florida.

36. On August 11, 2021, Ku entered an outbound shipment, through the Port of Miami, of CITES and non-CITES reptiles staged for export to Hong Kong by way of China Airlines. The declaration Form 3-177 listed Dynasty Reptiles as the U.S. exporter and ZORIS LIMITED, Hong Kong, as the foreign importer. All the accompanying shipping documents were filed electronically through Ryan Conyers C.H.B/C&R Customs Broker in Miami. In doing so,

Ku d/b/a Dynasty Reptiles, certified that the information furnished was true and correct pursuant to 18 U.S.C. § 1001 and 16 U.S.C. § 3372(d).

37. The CITES Appendix II animals declared in the shipment included forty tegus. Ku submitted a CITES Permit for the tegus which certified that all reptiles covered by the permit were bred and hatched from parental stock maintained at his facility. 50 C.F.R. § 23.26. Based on the WhatsApp communications reviewed supra, your affiant believes all forty tegus did not come from Ku's parental stock and were smuggled out of the United States to Hong Kong.

38. Because CHAN was not in the United States, he necessarily relied on Ku to take receipt of the above listed CITES animals, falsify the export paperwork to conceal their origins, then package and drop off said animals for export to Hong Kong.

39. On February 22, 2022, your affiant met with a Cooperating Defendant ("CD-1") who provided additional information regarding CHAN. CD-1 confirmed that CHAN purchased CITES animals and smuggled them out of the country through the use of Ku's Master File. CD-1 also told your affiant CHAN is aware of Miyauchi's arrest and has not exported through Ku since that arrest. CD-1 advised that CHAN was selective when purchasing U.S. based animals and would hand pick from five or six vendors, then ship the animals to Ku for export.

40. On February 23, 2022, your affiant met with CD-1, who initiated contact with CHAN via WhatsApp, advising that "Dai" (referring to Miyauchi) was sentenced the day before, and that his case was closed. CHAN texted back a minute later, "I call u now." A short time later CD-1 received a phone call from telephone number (814) 302-0431, which appeared to come from the Erie, Pennsylvania, area. Most of the conversation was in Cantonese, although CD-1 and CHAN did briefly speak in English. Your affiant subsequently had the conversation translated and transcribed. In sum and substance CHAN asked CD-1, "How long is Dai



sentenced to jail for?” CD-1 replied thirteen months. CHAN followed up asking CD-1 if he/she can export snakes now. CD-1 told CHAN he/she didn’t know that he/she needed to consult with his/her lawyer. CHAN responded stating, “Under ... understood. What if it’s a lot of CITES?” CD-1 told CHAN, “None CITES.” The conversation progressed with CHAN telling CD-1, “So-so, it’s okay. But COVID is very bad in Hong Kong right now. Like...all the west...I am in Canada getting ready to go back to Hong Kong. Not yet...Hong Kong stop all flights to the United States and Canada. So now I don’t even know if you can ship things back to Hong Kong or not.” CD-1 replied, “Oh...ok.” CHAN then asked CD-1, “Hey, I want to ask, do I have any danger if I go to the United States?” CD-1 told CHAN he/she didn’t know, that they are still looking into him/her. CHAN told CD-1, “Okay, yeah, I know. So snakes are not okay beside the ones bought through you. But if I go to the United States to sign, do you think there will be any problems?” CD-1 told CHAN, “That I don’t know. Even I go... about that I don’t know. I am even worried he is after me.” CHAN replied to CD-1 stating, “Damn, I get it then. I was so worry about you for so long. Scare me to death. For about half a year. Damn you. Couldn’t reach you by the phone and can’t even talk when you pick up.” Your affiant believes CHAN was trying to pry more information out of CD-1 as CHAN believes there is great risk if he were to come into the United States.

### **CONCLUSION**

41. Based upon the facts set forth in this affidavit your affiant submits that there is probable cause to believe that, beginning no later than August 2018, the exact date being unknown, and continuing through August 2021, KA YEUNG MARVIN CHAN did knowingly and intentionally conspire to submit false statements attempting to circumvent regulations requiring the declaration of exported wildlife to federal authorities, and to smuggle said wildlife

from the United States, in violation of Title 16, United States Code, Sections 3371, *et seq.*; Title 16, United States Code, Sections 1531, *et seq.*; Title 18, United States Code, Section 1001; Title 18, United States Code, 554; and Title 18, United States Code, Section 371.

**REQUEST FOR SEALING**

42. I respectfully request that this Court issue an order sealing, until further order of the Court, all papers submitted in support of the Criminal Complaint, including this affidavit. I believe that sealing is necessary because the information herein is relevant to an ongoing investigation and not all of the targets of this investigation will be arrested at this time. Premature disclosure of the contents of this affidavit and related documents may have a significant and negative impact on the continuing investigation and jeopardize the ability of law enforcement to locate and arrest the target of the investigation, who may seek to flee or otherwise to avoid apprehension.

**FURTHER AFFIANT SAYETH NAUGHT.**

Respectfully submitted,



Brian Cazalot Sr.  
Special Agent  
United States Fish and Wildlife Service

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by FaceTime this 3rd day of May 2022.



ALICIA M. OTAZO-REYES  
UNITED STATES MAGISTRATE JUDGE